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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/760,333         | 01/20/2004             | Rick F. Gladney       | SMCY-P04-062           |

28120  
 ROPES & GRAY LLP  
 ONE INTERNATIONAL PLACE  
 BOSTON, MA 02110-2624

CONFIRMATION NO. 9792

FORMALITIES LETTER



\*OC000000013314792\*

Date Mailed: 07/22/2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages All are not in compliance with 37 CFR 1.52(a).

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

2136

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

30

Application Number

10/760333

Filing Date

January 20, 2004

First Named Inventor

Richard F. Gladney

Art Unit

3673

Examiner Name

Not Yet Assigned

Attorney Docket Number

SMCY-P04-062

## ENCLOSURES (Check all that apply)

☒ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☒ Response to Missing Parts/  
Incomplete Application☒ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance communication  
to Technology Center (TC)☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
Identify below):Substitute Specification  
Part 2 Copy of Notice  
Return Receipt Postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual nameROPES & GRAY LLP  
J. Steven Baughman - 47,414

Signature

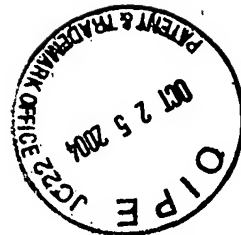
Date

October 22, 2004

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Dated: 10/22/04

Signature: Tina Lauchie-Mitchell (Tina Lauchie-Mitchell)



|   |                                      |
|---|--------------------------------------|
| <b>Via:</b> First Class Mail  | <b>Atty Dkt No.:</b> SMCY-P04-062    |
| <b>Inventor:</b> Gladney et al.   |                                      |
| <b>Application No.:</b> 10/760333   | <b>Filing Date:</b> January 20, 2004 |
| <b>Title:</b> MATTRESS AND BED ASSEMBLY PROVIDING AN ENLARGED SLEEPING SURFACE AREA |                                      |
| <b>Documents Filed:</b>   |                                      |
| Fee Transmittal (1 page)  | This Return Receipt Postcard         |
| Substitute Specification (24 pages)   |                                      |
| Part 2 Copy of Notice (2 pages)   |                                      |
| One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page)              |                                      |
| Response to Notice to File Missing Parts of Application (1 page x 2 copies)         |                                      |
| Transmittal (1 page)  |                                      |
| Charge \$110.00 to deposit account 18-1945  |                                      |
| <b>Sender's Initials:</b> JSB/tlm   | <b>Date:</b> October 22, 2004        |

# FREE TRANSMITTAL for FY 2004

*Effective 10/01/2003. Patent fees are subject to annual revision.*

☐ Applicant claims small entity status. See 37 CFR 1.27

**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 10/760333          |
| Filing Date          | January 20, 2004   |
| First Named Inventor | Richard F. Gladney |
| Examiner Name        | Not Yet Assigned   |
| Art Unit             | 3673               |
| Attorney Docket No.  | SMCY-P04-062       |

**METHOD OF PAYMENT** (check all that apply)

|                          |       |                          |             |                          |             |                          |       |                          |      |
|--------------------------|-------|--------------------------|-------------|--------------------------|-------------|--------------------------|-------|--------------------------|------|
| <input type="checkbox"/> | Check | <input type="checkbox"/> | Credit Card | <input type="checkbox"/> | Money Order | <input type="checkbox"/> | Other | <input type="checkbox"/> | None |
|--------------------------|-------|--------------------------|-------------|--------------------------|-------------|--------------------------|-------|--------------------------|------|

☒ Deposit Account:

|                              |         |
|------------------------------|---------|
| Deposit<br>Account<br>Number | 18-1945 |
|------------------------------|---------|

|                            |                  |
|----------------------------|------------------|
| Deposit<br>Account<br>Name | Ropes & Gray LLP |
|----------------------------|------------------|

**The Director is authorized to:** (check all that apply)

|   |   |
|---|---|
| <input checked="" type="checkbox"/> Charge fee(s) indicated below | <input checked="" type="checkbox"/> Credit any overpayments |
|---|---|

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |      | Small Entity |      | Fee Description        | Fee Paid |
|--------------|------|--------------|------|------------------------|----------|
| Fee          | Fee  | Fee          | Fee  |                        |          |
| Code         | (\$) | Code         | (\$) |                        |          |
| 1001         | 770  | 2001         | 385  | Utility filing fee     |          |
| 1002         | 340  | 2002         | 170  | Design filing fee      |          |
| 1003         | 530  | 2003         | 265  | Plant filing fee       |          |
| 1004         | 770  | 2004         | 385  | Reissue filing fee     |          |
| 1005         | 160  | 2005         | 80   | Provisional filing fee |          |

|                     |             |             |
|---------------------|-------------|-------------|
| <b>SUBTOTAL (1)</b> | <b>(\$)</b> | <b>0.00</b> |
|---------------------|-------------|-------------|

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|   | Extra<br>Claims        | Fee from<br>below    | Fee Paid               |
|---|------------------------|----------------------|------------------------|
| Total Claims <input type="text"/> -20** =         | <input type="text"/> x | <input type="text"/> | = <input type="text"/> |
| Independent<br>Claims <input type="text"/> -3** = | <input type="text"/> x | <input type="text"/> | = <input type="text"/> |
| Multiple Dependent                                |                        |                      | = <input type="text"/> |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

|                     |             |             |
|---------------------|-------------|-------------|
| <b>SUBTOTAL (2)</b> | <b>(\$)</b> | <b>0.00</b> |
|---------------------|-------------|-------------|

**\*\*or number previously paid, if greater; For Reissues, see above**

**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge – late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge – late provisional filing fee or cover sheet.                    |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     | 110.00   |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 290      | 2403         | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive – unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   |          |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502         | 240      | Design issue fee   |          |
| 1503         | 640      | 2503         | 320      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37CFR 1.129(b))              |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

|                                   |                     |             |               |
|-----------------------------------|---------------------|-------------|---------------|
| *Reduced by Basic Filing Fee Paid | <b>SUBTOTAL (3)</b> | <b>(\$)</b> | <b>110.00</b> |
|-----------------------------------|---------------------|-------------|---------------|

## SUBMITTED BY

|                   |                    |
|-------------------|--------------------|
| Name (Print/Type) | J. Steven Baughman |
|-------------------|--------------------|

**Signature**

Registration No.  
(Attorney/Agent)

47.414

(Complete (if applicable))

|           |                |
|-----------|----------------|
| Telephone | (202) 508-4606 |
|-----------|----------------|

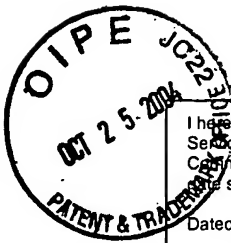
Date \_\_\_\_\_

October 22, 2004

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Dated: 10/22/04

Signature: Tina Lauchie-Mitchell (Tina Lauchie-Mitchell)



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Dated: 10/22/04 Signature: Tina Lauchie-Mitchell  
(Tina Lauchie-Mitchell)

Docket No.: SMCY-P04-062  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Gladney et al.

Application No.: 10/760333

Confirmation No.: 9792

Filed: January 20, 2004

Art Unit: 3673

For: MATTRESS AND BED ASSEMBLY  
PROVIDING AN ENLARGED SLEEPING  
SURFACE AREA

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

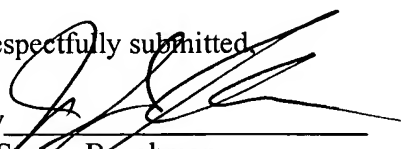
Dear Sir:

In response to the Notice to File Missing Parts of Application – Filing Date Granted mailed July 22, 2004, Applicant respectfully submits a Substitute Specification and Part 2 Copy of Notice.

Please charge our Deposit Account No. 18-1945 in the amount of \$110.00 covering the fee set forth in 37 CFR 1.17(a)(1). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. SMCY-P04-062. A duplicate copy of this paper is enclosed.

Dated: October 22, 2004

Respectfully submitted,

By   
J. Steven Baughman  
Registration No.: 47,414  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110-2624  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant